REMARKS

This response is being filed with a Request for Continued Examination (RCE).

The foregoing amendments and the remarks that follow are meant to impart precision to the claims, and more particularly point out the claimed disclosure, rather than to avoid prior art.

The following remarks are made responsive to the Final Office Action dated December 13, 2007. Reconsideration of this application, as amended, is respectfully requested. Claims 1-17, 20-40, and 55-73 were pending when the present Final Office Action was mailed on December 13, 2007. In this response, claims 1, 10-12, 14-15, 23, 37-40, 55, 62, and 71-73 have been amended, claims 9, 36, and 70 have been cancelled. No new matter has been added.

TELEPHONE INTERVIEW

On January 14, 2008, Examiner Le H. Luu granted Applicant's Representative Yenyun Fu a telephone interview, in which the reference 'Taylor' (U.S. Patent No. 6,922,411) and subject matter of the independent claims were discussed. The Examiner reviewed the Applicant's specification and suggested incorporating subject matter related to "a customer specified policy." For the sole purpose of expediting issuance of a patent in this case, the Applicant has incorporated the subject matter related to 'a customer specified policy' as discussed in the interview. Applicant thanks the Examiner for this suggestion.

35 U.S.C. § 102(e) Rejections

The Examiner rejected claims 55 and 57-73 under 35 U.S.C. § 102(e) as being allegedly anticipated by Taylor (U.S. Patent No. 6,922,411). Applicant respectfully disagrees.

To anticipate a claim, the reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Applicant respectfully submits that Taylor does not anticipate Applicant's independent claims 55 and 62 since Taylor does not disclose each and every element of independent claims 55 and 62.

The Examiner asserts that "Taylor teaches the invention substantially as claimed, including a computerized method for providing an interactive telephony session, the method comprising: calling a customer pursuant to an occurrence of a triggering event; executing a software program responsive to a voice input when the customer answers; and responding to a voice input of the customer during the interactive telephony session." (Page 3 of Final Office Action mailed December 13, 2007). Applicant respectfully disagrees.

Further, applicant respectfully submits that Taylor also does not teach or disclose the subject matter of "determining whether the electronic mail request passes a policy check; wherein the policy check comprises a policy specified by a customer to designate a volume of calls to accept in a predetermined amount of time", as recited in claim 55.

Taylor's invention "provides a computer telephony system that allows easy development and deployment of telephony applications." (Taylor, Col. 3, lines 65-67) Taylor, however, does not disclose, teach, suggest, and/or motivate performing a "policy check", as taught by applicant in independent claim 55. Since Taylor does not teach the subject matter related to a "policy check", Taylor cannot disclose the subject matter of "the policy check comprises a policy specified by a customer to designate a volume of calls to accept in a predetermined amount of time", as claimed by applicant in claim 55.

Thus, at least for the above reasons, Taylor does not anticipate Applicant's independent claim 55. Independent claim 62 is also patentable over Taylor based same or similar reasoning. Since the cited references do not show each and every aspects of the independent claims 55 and 62, the dependent claims of these independent claims are also patentable over the cited reference and/or the additional art of record, at least for the above discussed reasons.

The withdrawal of the rejections is respectfully requested for claims 55 and 57-73.

35 U.S.C. § 103(a) Rejections

The Examiner rejected claims 1-17, 20-40, and 56 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Taylor (U.S. Patent No. 6,922,411) in view of Dermler et al., (U.S. Patent No. 6,766,007), hereinafter Dermler. Applicant respectfully disagrees.

Dermler discusses a method, apparatus, and communication system for setting up a communication session (Dermler, Title) and also does not show the at least the subject matter of "determining whether the electronic mail request passes a policy check; wherein the policy check comprises a policy specified by a customer to designate a volume of calls to accept in a predetermined amount of time", as recited in the independent claim 1.

Thus, even if Taylor and Dermler were combined, the resulting disclosure would be different from what is claimed by the applicant in independent claim 1. The combination would not include the subject matter of "determining whether the electronic mail request passes a policy check; wherein the policy check comprises a policy specified by a customer to designate a volume of calls to accept in a predetermined amount of time" as claimed by applicant.

Thus, without admitting to the propriety of combining Taylor and Dermler in a way presented in the Office Action, applicant submits that claims 1-8, 10-13 are patentable over Taylor, Dermler, and over the combination of Taylor and Dermler, at least for the above stated reasons. Claims 14-17, 20-40, and 56 are allowable at least for the same or similar reasons.

The withdrawal of the rejections is respectfully requested for the claims 1-17, 20-40, and 56.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-0665, under Order No. 418268607US from which the undersigned is authorized to draw.

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Respectfully submitted,

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